

REMARKS

Reconsideration and allowance are respectfully requested in view of the foregoing amendments and the following remarks. Claims 1, 4-18, and 21-27 have been amended. Claims 1, 4, 9, 11-12, 15, 18, 21, 23, and 26-27 are independent. Upon entry of this Amendment, claims 1-28 will remain pending.

Entry of this Amendment is proper under 37 C.F.R. § 1.116 as the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not present any new issues that would require further consideration and/or search as the amendments merely amplify issues discussed throughout the prosecution; (c) do not present any additional claims without canceling a corresponding number of claims; and (d) place the application in better form for appeal, should an appeal be necessary. Entry of this Amendment is thus respectfully requested.

Applicants preliminarily note that the amendments to claims 5-8, 9-17, and 22-26 merely correct grammatical inconsistencies therein.

I. Allowable Subject Matter

Applicants acknowledge the indication that claims 9, 11-12, 15, 23, and 26 are allowed and claims 6-7, 13-17, 22, and 24-25 would be allowable if rewritten in independent form including all the limitations of any base and intervening claims. Applicants have not yet rewritten such claims so that the patentability of the amended independent claims might be further and fully reconsidered.

II. Claim Rejections – 35 U.S.C. § 102

The Office Action rejected claims 1-5, 8, 10, 18-21, and 27-28 under 35 U.S.C. § 102(e) as being anticipated by Lopez-Torres (U.S. Patent No. 6,144,647). Applicants respectfully traverse the rejection because Lopez-Torres does not teach or suggest all the features of the rejected claims.

Independent claim 1, as amended, recites:

1. A method of controlling a multicall in a telecommunications system over a transmission path between a telecommunications network and a subscriber terminal, comprising:

setting up any new call in an existing multicall, when a criterion is met,

by setting up said new call on an existing bearer such that said existing bearer is shared by at least two calls,

instead of by setting up said new call on a new bearer.

Claim 1 expressly states that, instead of setting up a new call on a new bearer, the new call is set up on an existing bearer such that the existing bearer is shared by at least two calls. Therefore, as amended, claim 1 does not recite the alternative step of “setting up said new call on a new bearer.”

To the contrary, Lopez-Torres fails to teach or suggest, *inter alia*, the features italicized above. Page 2 of the Official Action asserted that “Lopez-Torres teaches the step of setting up new call on a new bearer (col. 14, lines 28-40) therefore the claims are read on.” As noted above, amended claim 1 no longer recites this step. Rather, claim 1 requires setting up the call on an existing bearer, which is not taught or suggested by Lopez-Torres. Accordingly, claim 1 is not anticipated by Lopez-Torres, and Applicants respectfully request withdrawal of the rejection. Claims 2-3, 5, 8, and 10, which depend from claim 1, are patentable for the above reasons and for the additional features recited therein.

Amended independent claims 4, 18, 21, and 27 recite features corresponding to those recited in claim 1 and are patentable for the reasons supporting patentability of claim 1 and for the additional features recited therein. Claims 19-20 and 28, which respectively depend from claim 18 and claim 27, are patentable for at least the above reasons and for the additional features recited therein.

III. Conclusion

All rejections having been addressed, Applicants request issuance of a notice of allowance indicating the allowability of claims 1-28. If anything further is necessary to place the application in condition for allowance, Applicants request that the Examiner contact Applicants’ undersigned representative at the telephone number listed below.

~~Please charge any fees associated with the submission of this paper to Deposit Account~~
Number 033975. The Commissioner for Patents is also authorized to credit any over
payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP LLP



CARLO M. COTRONE

Reg. No. 48715

Tel. No. (703) 905-2041

Fax No. (703) 905-2500

Date: July 7, 2004
P.O. Box 10500
McLean, VA 22102
(703) 905-2000